

Message Text

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ORIGIN EB-07

INFO OCT-01 AF-06 IO-11 ISO-00 STR-04 COME-00 FEA-01

AGR-05 CEA-01 CIAE-00 DODE-00 FRB-03 H-02 INR-07

INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05

CIEP-01 SS-15 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02

OMB-01 /098 R

DRAFTED BY EB/OT/TA:DGRIMMER:JVM
APPROVED BY EB/OT/TA:WGBARRACLOUGH
STR:LLEE
COMMERCE:DGARDNER
COMMERCE:SMILLER
AF/S:DCHRISTENSEN

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R 280233Z FEB 76
FM SECSTATE WASHDC
TO AMEMBASSY PRETORIA
INFO USMISSION GENEVA
AMCONSUL CAPE TOWN

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CAPE TOWN FOR EMBASSY

E.O. 11652: N/A

TAGS: ETRD, GATT, SA

SUBJECT: GATT ARTICLE XXVIII CONCERNING TRACTORS AND AUTO
PARTS

REFS: (A) GENEVA 3523, JUNE 4, 1974 (B) PRETORIA 4956

1. U.S. AGREES WITH MISSION SUGGESTION TO PRESS SAG FOR
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EXPLANATION ON ITS FAILURE TO PLACE TRACTORS AND AUTO

COMPONENTS ON FREE LIST AS REQUIRED UNDER ARTICLE XXVIII
AGREEMENT NOTED IN REF A. HOWEVER, IT IS NOT CLEAR
FROM REF. B IF SAG REASON FOR FAILING TO DO SO (LACK
OF AFTER SALES SERVICE IN TRACTORS CASE AND EXCESSIVE
INVENTORIES IN PARTS CASE) IS MERELY AN EXPLANATION
OR IS SOMEHOW RELATED TO "NECESSARY DOMESTIC REQUIREMENTS"
WHICH CONDITIONED THE PLACING OF THE ITEMS ON THE
FREE LIST. SINCE SAG AGREED TO EXPEDITE THESE
"REQUIREMENTS," IT APPEARS THAT GOVERNMENTAL ACTION WAS
INTENDED. HOWEVER THE ABOVE CITED REASONS RELATE TO
CONDITIONS WHICH ONLY THE IMPORTERS CAN MEET. IF
UNRELATED TO THE DOMESTIC REQUIREMENTS CLAUSE, THESE
CONDITIONS MIGHT VIOLATE ARTICLE III OF THE GATT IF
THESE IMPORTS ARE TREATED IN A DISCRIMINATORY FASHION
COMPARED TO THE SAME LOCALLY PRODUCED GOODS. ARE
PRODUCERS OF LOCALLY PRODUCED OR ASSEMBLED TRACTORS
REQUIRED TO HAVE AFTER SALES SERVICE BEFORE SELLING THEM?
TO DATE THE USG HAS HAD NO COMPLAINTS ABOUT THE LACK
OF FREE ISSUANCE OF SAG LICENSES FOR IMPORTS OF TRACTORS
OR AUTO COMPONENTS.

2. WE AGREE WITH EMBASSY SUGGESTION THAT MATTER SHOULD
BE PRESSED BY SUBMISSION OF AIDE MEMOIRE OUTLINED IN
REF B. TO SAG, PARTICULARLY IN VIEW OF OUR RECENT
EXPERIENCE IN SAG ARTICLE XXVIII ON REFRIGERATOR
COMPRESSORS IN WHICH WE HAVE BEEN UNABLE TO COME TO AN
ACCEPTABLE AGREEMENT. INGERSOLL

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Message Attributes

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